

**MINUTES  
FREMONT CITY COUNCIL MEETING  
JULY 26, 2011  
FREMONT CITY HALL  
AND  
VIA TELECONFERENCE BY COUNCILMEMBER NATARAJAN FROM  
303 SALARPURIA ARISTOCRACY, 14<sup>TH</sup> CROSS ROAD, J.P. NAGAR 1ST PHASE,  
BANGALORE 560078, INDIA  
7:00 P.M.**

**1. PRELIMINARY**

**1.1 Call to Order:** Mayor Wasserman called the meeting to order.

**1.2 Flag Salute:** Councilmember Dutra led the salute to the flag.

**1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra.

**1.4 Announcements by Mayor/City Manager**

**2. CONSENT CALENDAR**

- \* **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

- \* **2.2 Approval of Minutes** – None.

- \* **2.3 Mayor Wasserman opened consideration of Approval of Final Map for Tract 7986, Improvement Agreements for Construction of Public Streets (Walnut Avenue, California Street and Beacon Avenue), Private Improvements (Common Areas and State Street Plaza) and Dedication of Land and Public Easements for Tract 7986**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council adopted Resolution No. 2011-44:

1. Approving the Final Map for Tract 7986.

2. Approving the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 7986”, with the developer, UH Downtown Fremont LLC., a Delaware limited liability company, and authorizing the City Manager or his designee to execute the agreement on behalf of the City.
3. Approving the Agreement for Private Improvements entitled “Private Improvement Agreement, Tract 7986”, with the developer, UH Downtown Fremont LLC., a Delaware limited liability company, and authorizing the City Manager or his designee to execute the agreement on behalf of the City.
4. Accepting the developer’s offer of dedication of easements, as identified on the Final Map, provided that the acceptance of the offer of dedication of easements for public roadway purposes shall be conditioned upon the developer’s completion of improvements to the satisfaction of the City Engineer.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan and Harrison

Noes: None

Absent: None

Abstain: Councilmember Dutra

**\* 2.4 Mayor Wasserman opened consideration to Authorize the City Manager or Designee to Issue a Purchase Order to Dell Marketing L.P. for EMC Data Domain Backup and Recovery Hardware and EMC NetWorker Software**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council authorized the City Manager or his designee to issue a purchase order to Dell Marketing L.P., for the purchase of the EMC Data Domain DD670 backup and recovery hardware and the EMC NetWorker software in an amount not-to-exceed \$215,653.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra

Noes: None

Absent: None

Abstain: None

**\* 2.5 Mayor Wasserman opened consideration of Approval of Plans and Specifications and Award of Contract to the Lowest Responsible and Responsive Bidder for the 2011 Citywide Bridge Preventative Maintenance Project, City Project No. 8120-B (PWC), Federal Project No. BPMP-5322(045)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council approved the plans and specifications, accept the bid and awarded the construction contract for the Citywide Bridge Preventative Maintenance Project, City Project No. 8120-B (PWC) to the lowest responsible bidder, Victory Engineers, Inc., in the amount of \$186,186.00 and authorized the City Manager or his designee to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.6 Mayor Wasserman opened consideration to Accept the Highway Safety Improvement Program (HSIP) Grant and Appropriate the Grant Funds of \$517,680 to the Walnut Avenue-Argonaut Way/Parkhurst Drive Lane Reduction and Roundabout Project, City Project No. 8669(PWC)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council:

1. Authorized the City Manager or designee to accept the HSIP grant and to execute any associated grant documents.
2. Appropriated funds in the grant amount of \$517,680 to 522PWC8669, Walnut Avenue-Argonaut Way/Parkhurst Drive Roundabout and Lane Reduction Project.
3. Approved transfer of \$10,520 from 509PWC8541, Measure B Bike/Pedestrian Funds to 509PWC8669, Walnut Avenue-Argonaut Way/Parkhurst Drive Roundabout and Lane Reduction Project.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.7 Mayor Wasserman opened consideration of a Request for Approval of Contract with Data Ticket, Inc., for the Purpose of Providing Parking Citation and Administrative Remedy Ordinance Hearing Officer Services**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council authorized the City Manager or designee to execute an agreement with Data Ticket, Inc., to provide Hearing Officer Services for parking and Administrative Remedy Ordinance citations for a term of five years.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.8 Mayor Wasserman opened consideration of a Request for Approval of Contract with Data Ticket, Inc., for the Purpose of Providing Parking Citation and Administrative Remedy Ordinance Processing and Collection Services**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council authorized the City Manager or designee to execute an agreement with Data Ticket, Inc., for the processing and collections of parking and administrative citations for a term of five years.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.9 Mayor Wasserman opened consideration of Approval of Plans and Specifications, and Award of Contract to the Lowest Responsive Responsible Bidder for the Police Building and Main Library Boiler Replacements (City Project No. PWC 8684)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council:

1. Approved the plans and specifications for the Police Building and Main Library Boiler Replacements, City Project No. 8684 (PWC).
2. Awarded a contract for the Police Building and Main Library Boiler Replacements, City Project No. 8684 (PWC), to Bay City Boiler & Engineering Co., Inc., in the amount of \$190,750; and authorize the City Manager, or designee, to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.10 Mayor Wasserman opened consideration of Authorization of City Manager to Execute a Contract with Biggs Cardoso Associates, Inc., in an Amount of \$124,126 for Comprehensive Design Engineering Services for Development Center Seismic Upgrade, HVAC Replacement, and Exterior Wall Repair (City Project No. PWC 8752)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council authorized City Manager to execute a contract with Biggs Cardoso Associates for design engineering services in an amount not to exceed \$124,126.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.11 Mayor Wasserman opened consideration of Setting the Annual Tax Rate for Voter-Approved General Obligation Bond Debt Service for Fiscal Year 2011/12**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council:

1. Established the Fire Safety General Obligation Bonds tax rate of \$0.00983 per \$100 of assessed valuation (0.00983%) for fiscal year 2011/12.
2. Adopted Resolution No. 2011-45 requesting and authorizing the County of Alameda to levy a tax on all taxable properties in the City as a voter-approved levy with respect to the Fire Safety Project GO Bonds.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.12 Mayor Wasserman opened consideration of Adoption of a Resolution of the City Council of the City of Fremont Adopting the City's Policy and Administrative Procedure for Appeals and Interpretations Pursuant to Section F of the Second Revised Rate and Method of Apportionment of Special Tax for City of Fremont Community Facilities District No. 1 (Pacific Commons) and Appointing an Appeals Board**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council adopted Resolution No. 2011-46 adopting the City's policy and administrative procedure for appeals and interpretations pursuant to Section F of the second revised Rate and Method of Apportionment of special tax for City of Fremont Community Facilities District No. 1 (Pacific Commons) and appointing an appeals board.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.13 Mayor Wasserman opened consideration of Adoption of a Resolution Accepting FY 2011/12 Federal Home Investment Partnership Act Funds and Authorizing the City Manager to Execute an Agreement with Alameda County**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council adopted Resolution No. 2011-47 authorizing the City Manager or his designee to execute a FY 2011/12 HOME sub-recipient agreement with Alameda County, and accept \$521,809 in FY 2011/12 Federal HOME Investment Partnership Act Funds.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

\* **2.14 Mayor Wasserman opened consideration of a Proposal to Restate the 125 Flexible Benefits Plan**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council approved the restated IRC Section 125 Cafeteria Plan document.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

\* **2.15 Mayor Wasserman opened consideration of Adoption of a Resolution of Intent to Hold a Public Hearing to Consider Granting a One-Year Franchise Extension Agreement to Air Products and Chemicals, Inc., and Direct the City Clerk to Publish the Notice Included in the Resolution of Intent**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council:

1. Adopted Resolution No. 2011-48 a resolution of intent to grant a one-year extension to the Franchise Agreement with Air Products and Chemicals, Incorporated, a Delaware Corporation.
2. Directed the City Clerk to publish the notice included in the resolution of intent within 15 days in a newspaper of general circulation within the City.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

\* **2.16 Mayor Wasserman opened consideration of a Resolution Approving a new Memorandum of Understanding (2011-2013) with the International Association of Fire Fighters and Battalion Chiefs (IAFF)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council adopted Resolution No. 2011-49 approving a two-year Memorandum of Understanding (MOU) that commences on July 1, 2011, and expires on June 30, 2013, between the City and the International Association of Fire Fighters and Battalion Chiefs (IAFF), and authorize the City Manager to execute the MOU.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan and Dutra  
Noes: None  
Absent: None  
Abstain: Councilmember Harrison

**\* 2.17 Mayor Wasserman opened consideration of Delegation of Authority to City Manager during Council Recess, July 27, 2011 through September 5, 2011**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council adopted Resolution No. 2011-50 authorizing the City Manager or designee to approve and execute as necessary, on behalf of the City, the items set forth in this report, and to take the following actions:

1. Authorize the City Manager or designee to (1) approve the plans and specifications for the Centerville Ballfield Synthetic Turf Conversion Project, 8717 (PWC), and (2) accept the bid and award the construction contract for the re-bid of the Centerville Ballfield Synthetic Turf Conversion Project, 8717 (PWC) to the lowest responsible bidder, in an amount not-to-exceed \$918,000.
2. Authorize the City Manager or designee to (1) approve Amendment No. 1 to existing agreement for Engineering Design and Construction Inspection Services related to Sabercat Creek Restoration Project with Questa Engineering, in an amount not-to-exceed \$75,000, which will increase the total management service contract to an amount not-to-exceed \$205,000, and (2) retain the City Manager's amendment authority pursuant to the Purchasing Code at 20% of the original contract amount for future amendments.
3. Authorize the City Manager or designee to approve Amendment No. 1, Questa Engineering contract, to the existing agreement for cost sharing between the City and the Alameda County Flood Control and Water Conservation District (District) for the Sabercat Creek Restoration project in an amount not-to-exceed \$45,000, which will increase the total District's cash contribution from an amount not-to-exceed \$205,000 to fund the additional services to be provided by Questa Engineering and will decrease the District's in-kind services contribution from an amount not-to-exceed \$50,000 to an amount not-to-exceed \$20,000. (Companion item to the Questa Engineering contract amendment).
4. Authorize the City Manager or designee to execute an agreement with the Afghan Elderly Association for the Afghan Health Promoter project in an amount not-to-exceed \$98,900.
5. Authorize the City Manager or designee to (1) execute a contract with the Alameda County Area Agency on Aging for AFS Case Management services in an amount not-to-exceed \$30,922; and (2) appropriate an additional \$3,081 to account 1065325.
6. Authorize the City Manager or designee to execute a contract and any other implementing documents, with the Alameda County Area Agency on Aging for the MSSP Case Management program in an amount not-to-exceed \$53,140.
7. Authorize the City Manager or designee to (1) execute an agreement with the Alameda County Area Agency on Aging for senior center activities in an amount not-to-exceed \$11,874; and (2) appropriate an additional \$1,874 to account 1735331.
8. Authorize the City Manager or designee to execute an agreement not-to-exceed \$422,799 with Alameda County Behavioral Health Care Services to provide in-home mental health services to seniors.
9. Authorize the City Manager or designee to execute an agreement with the Alameda County Public Health Department for the Health Promoter project in an amount not-to-exceed \$169,250.

10. Authorize the City Manager or designee to execute an agreement and any other implementing documents, with the California Department of Aging for the MSSP Case Management program in an amount not-to-exceed \$209,965.
11. Authorize the City Manager or designee to execute Task Order No. 3 to the existing Joint Powers Master service agreement with the City of Newark for the Aging and Family Services Division of the Human Services Department to provide case management services in an amount not-to-exceed \$5,000.
12. Authorize the City Manager or designee to execute an agreement with the City of Union City for case management services in an amount not-to-exceed \$11,400.
13. Authorize the City Manager or designee to execute an agreement effective July 1, 2011 through June 30, 2012 with Abode Services for the operation of Sunrise Village homeless shelter in an amount not-to-exceed \$139,023.
14. Authorize the City Manager or designee to execute an agreement for FY 2011/12, effective July 1, 2011 through June 30, 2012, with LIFE ElderCare to provide meals on wheels in an amount not-to-exceed \$80,924
15. Authorize the City Manager or designee to (1) execute an agreement with Alameda County Probation Department for counseling and case management services funded through the Comprehensive Youth Services Act in an amount not-to-exceed \$421,661, and (2) appropriate an additional \$11,337 to Fund 133.
16. Authorize the City Manager to execute an agreement with Alameda County Behavioral Health for mental health services at the Fremont Family Resource Center in an amount not-to-exceed \$185,551.
17. Authorize the City Manager to execute an agreement with Alameda County Health Care Services for infrastructure support for the Fremont Family Resource Center in an amount not-to-exceed \$150,000.
18. Authorize the City Manager or designee to execute the Interim Agreement between the City and Alameda County Behavioral Health Care Services for mental health services provided by Youth and Family Services in FY 2011/12 in an amount not-to-exceed \$723,426.
19. Authorize the City Manager or designee to execute Task Order No. 6 to the existing Joint Powers Agreement with Fremont Unified School District for Youth and Family Services and the Fremont Family Resource Center to provide school-sites services in FY 2011 in an amount not-to-exceed \$104,450.
20. Authorize the City Manager or designee to revise an existing building rehabilitation program loan with Judith Radcliff Heyman, et al, decreasing the interest rate to 0%, and extending the loan period for an additional 20 years.
21. Authorize the City Manager or designee to approve Amendment No. 2 to Construction Management Service Agreement with Critical Solutions, Inc., for additional services in an amount not-to-exceed \$85,000, which will increase the total construction management services in an amount not-to-exceed \$664,520.
22. Authorize the City Manager or designee to approve Amendment No. 4 to the Design and Construction Administration Service Agreement with The Crosby Group for additional services in an amount not-to-exceed \$68,000, which will increase the total design and construction administration services in an amount not-to-exceed \$1,463,863.
23. Authorize the City Manager or designee to approve Amendment No. 1 to the Special Inspections Service Agreement with Consolidated Engineering Laboratories for additional

on-call services by task order in an amount not-to-exceed \$30,000, which will increase the total special inspections services in an amount not-to-exceed \$129,671.

24. Authorize the City Manager or designee to approve Amendment No. 4 to the existing agreement for Fire Bond Construction Project Management Services with Harris and Associates, for additional construction administration services in an amount not-to-exceed \$38,000, which will increase the total construction administration services in an amount not-to-exceed \$2,849,720.
25. Authorize the City Manager or designee to implement Memorandum of Understanding(s) ratified by labor association(s) that meet Council-established labor relations direction with the six outstanding labor associations if agreement is reached during the August City Council recess.
26. Authorize the City Manager or designee to (1) execute an agreement with United Way of the Bay Area for receipt of CSBG funding in an amount not-to-exceed \$100,000 for the term of October 1, 2011 through September 30, 2012. CSBG funds received in this fiscal year will be used for Economic Success services, offered through the FRC to assist families through counseling to become economically stable, and (2) if needed, execute a partnership agreement with the City of Oakland for utilization of these funds.

Ayes: Mayor Wasserman, Vice Mayor Chan,  
Councilmembers: Natarajan, Harrison and Dutra  
Noes: None  
Absent: None  
Abstain: None

**\* 2.18 Mayor Wasserman opened consideration of Adoption of Findings Supporting the Denial of the Appeal of the Planning Commission's Denial of the Center Theater Conditional Use Permit Amendment to Expand the Allowable Uses to Include a Concert Hall, Banquet Facility, Dinner Theater, and Other Assembly Uses and Events, Where a Performing Arts Theater and Movie Theater are Currently Permitted**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council considered and adopted findings.

Ayes: Vice Mayor Chan,  
Councilmembers: Harrison and Dutra  
Noes: Mayor Wasserman  
Absent: None  
Abstain: Councilmember Natarajan

### **3. CEREMONIAL ITEMS**

#### **3.1 Proclamations: Festival of the Arts & Festival of the Arts Kid City**

## **4. PUBLIC COMMUNICATIONS**

### **4.1 Oral and Written Communications**

Leesa Wiseman, Terry Wong, and David Watt (Fremont Association of City Employees (FACE), SEIU Local 1021) presented several alternate proposals as options for consideration during the current labor negotiations.

## **5. SCHEDULED ITEMS – None.**

## **6. REPORT FROM CITY ATTORNEY**

### **6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action**

## **7. OTHER BUSINESS**

### **7.1 Mayor Wasserman opened consideration of the Strategic Sustainability Study and Adopt the Budget Principles and Strategic Sustainability Recommendations in the Strategic Sustainability Study**

Assistant City Manager Mark Danaj provided an overview and introduced Andy Belknap and Kathy Standiford with Management Partners who presented the Sustainability Study. Staff responded to questions from Councilmembers. Carl Carey (Operating Engineers Local 3 (OE3) Business Representative) expressed several concerns related to the Sustainability Study. Another question and answer period followed. Councilmembers provided comment. City Council accepted the report and provided direction to staff regarding the Budget Principles and 33 Strategic Sustainability Recommendations in the Strategic Sustainability Study.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None
Absent:	None
Abstain:	None

## **8. COUNCIL COMMUNICATIONS**

### **8.1 Council Referrals**

#### **8.1.1 COUNCILMEMBER DUTRA REFERRAL: Move City Hall from Midtown to Warm Springs**

Council suggested staff explore what studies might be necessary and directed staff to agendaize the item at a future meeting.

## 8.2 Oral Reports on Meetings and Events

### 8.2.1 Update on Niles Canyon Safety Improvement Project Stakeholder's Meeting

Public Works Director Jim Pierson provided a brief update.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 9:25 p.m.

Attest:

Approved:

---

Susan Gauthier, Acting City Clerk

---

ANU NATARAJAN, Vice Mayor